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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,426	06/15/2001	Hugh Boyd Morrison	RCA 89186	1414

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EXAMINER	
MANNING, JOHN	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/868,426	MORRISON ET AL.	
	Examiner	Art Unit	
	John Manning	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 10-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 10-29 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the newly added claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 10-12, 17-19, 24-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Westlake (WO 99/35847).

In regard to claim 10, Westlake discloses an "interface for conveniently linking terms in electronic message to program information in audio, video or audiovisual device, using contents of electronic message such as email message". The claimed limitation of "receiving an electronic mail message remotely from a user, said electronic mail message comprising an operating command and program identification information including at least one of a first type of program identification information and a second type of program identification information" is met by Figure 3, Item S1. The claimed limitation of "processing said electronic mail message to determine whether said electronic mail message includes said first type of program identification information" is

met by Figure 3, Item S2. The claimed limitation of "scheduling an event related to a program identified by said program identification information if said electronic mail message includes said first type of program identification information" is met by Figure 5. The claimed limitation of "processing said electronic mail message to determine whether said electronic mail message includes said second type of program identification information if said electronic mail message does not include said first type of program identification information" is met by Figure 4. The claimed limitation of "searching program guide information for said program if said electronic mail message includes said second type of program identification information" is met by Figure 3. The claimed limitation of "scheduling said event if said program is found during said searching step" is met by Figure 5. See Pages 23, 26, 31 and 32.

In regard to claim 11, the claimed limitation of "said first type of program identification information includes channel and time information for said program" and "said second type of program identification information includes a name of said program" are met by that disclosed in Westlake (see Page 23, Line 9 – Page 24, Line 6).

In regard to claim 12, the claimed limitation of "a step of processing said electronic mail message to determine whether said operating command represents one of a request to record said program and a request to watch said program" is met by that disclosed in Westlake (see Page 26, Lines 13-23).

In regard to claims 17 and 24, see claim 10.

In regard to claims 18 and 25, see claim 11.

In regard to claims 19 and 26, see claim 12.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 13, 15, 20, 22m 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westlake.

In regard to claim 13, the claimed limitation of "said video processing apparatus is scheduled to record said program if said operating command represents said request to record said program; and" is met by that disclosed in Westlake (see Page 26, Lines 13-23). Westlake fails to disclose said video processing apparatus is scheduled to power on if said operating command represents said request to watch said program. The Examiner takes Official Notice that it is notoriously well known in the art to have a video processing apparatus that is scheduled to power on if said operating command represents said request to watch said program so as to actively reminded the user that of the video reservation. Consequently, it would have been obvious to one of ordinary skill in the art to modify Westlake with a video processing apparatus is scheduled to

power on if said operating command represents said request to watch said program for the stated advantage.

In regard to claim 15, Westlake fails to explicitly disclose the use of password for user verification. However, the Examiner takes Official Notice that it is notoriously well known in the art to use a password for user verification so as to prevent unauthorized users form accessing the system. Consequently, it would have been obvious to one of ordinary skill in the art to modify Westlake with the use of password for user verification for the stated advantage.

In regard to claims 20 and 27, see claim 13.

In regard to claims 22 and 29, see claim 15.

6. Claims 14, 16, 21, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westlake in view of Hirata (US Pat No 6,374,406).

In regard to claim 14, Westlake fails to explicitly disclose "a step of sending a second electronic mail message from said video processing apparatus to said user if said program is not found during said searching step, said second electronic mail message indicating that said electronic mail message included insufficient program identification information". Hirata teaches "a step of sending a second electronic mail message from said video processing apparatus to said user if said program is not found during said searching step, said second electronic mail message indicating that said electronic mail message included insufficient program identification information" so as to

updated the user as to the status of the system (Col 6, Line 40 – Col 7, Line 5). Consequently, it would have been obvious to one of ordinary skill in the art to modify Westlake with "a step of sending a second electronic mail message from said video processing apparatus to said user if said program is not found during said searching step, said second electronic mail message indicating that said electronic mail message included insufficient program identification information" for user verification for the stated advantage.

In regard to claim 16, Westlake fails to explicitly disclose "a step of sending a second electronic mail message from said video processing apparatus to said user if said event is scheduled". Hirata teaches "a step of sending a second electronic mail message from said video processing apparatus to said user if said event is scheduled" so as to updated the user as to the status of the system (Col 7, Line 54 – Col 8, Line 4). Consequently, it would have been obvious to one of ordinary skill in the art to modify Westlake with "a step of sending a second electronic mail message from said video processing apparatus to said user if said event is scheduled" for user verification for the stated advantage.

In regard to claims 21 and 28, see claim 14.

In regard to claim 23, see claim 16.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM
October 13, 2006

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600